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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
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v.)
)
GARY JAMES ROLLER,)
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Defendant.)
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No. CR 08-00361(A) RMW

STIPULATION AND ☐ ORDER CONTINUING STATUS CONFERENCE FROM AUGUST 23, 2010 TO OCTOBER 4 2010, AND EXCLUDING TIME FROM AUGUST 23, 2010 TO OCTOBER 4, 2010, FROM CALCULATIONS UNDER THE SPEEDY TRIAL ACT (18 U.S.C. § 3161)

The parties hereby request that the Court enter this order continuing the status conference from August 23, 2010 to October 4, 2010, and excluding time from August 23, 2010 to October 4, 2010. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from August 23, 2010 to October 4, 2010 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate. Defense counsel has been involved in a state homicide trial for the past several weeks and needs additional time to prepare.

1 In addition, defendant has also requested additional discovery. The government will
2 review and evaluate defendant's discovery request and provide additional appropriate discovery.
3 Moreover, defense counsel anticipates representing a defendant in a second-degree murder trial
4 in late September 2010.

5 Therefore, for effective preparation of defense counsel and continuity of counsel, the
6 parties agree that the status conference currently scheduled for August 23, 2010 should be
7 continued to October 4, 2010 at 9 a.m.

8 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
9 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
10 effective preparation of the defense and continuity of defense counsel; believes the exclusion is
11 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial
12 Act, 18 U.S.C. § 3161, should be for the period from August 23, 2010 to October 4, 2010.

13 Given these circumstances, the parties believe, and request that the Court find, that the
14 ends of justice are served by excluding from calculations the period from August 23, 2010 to
15 October 4, 2010 outweigh the best interests of the public and the defendant in a speedy trial
16 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

17 IT IS SO STIPULATED.

18 DATED: 8/16/10

/s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

21 DATED: 8/16/10

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

24 **[] ORDER**

25 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
26 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
27 U.S.C. § 3161, from August 23, 2010 to October 4, 2010, based on the need for the defense
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1 counsel to investigate further the facts of the present case, review the discovery that the
2 government has already provided and will provide and evaluate further possible defenses and
3 motions available to the defendant; (2) the exclusion of time is necessary for effective
4 preparation of the defense and continuity of counsel and is in the defendant's best interests; and
5 (3) the ends of justice are served by excluding from Speedy Trial calculations the period from
6 August 23, 2010 to October 4, 2010.

7 Accordingly, the Court further orders that (1) the status conference currently scheduled
8 for August 23, 2010 is vacated and that the next appearance date before this Court is scheduled
9 for October 4, 2010 at 9:00 a.m.; and (2) the time from August 23, 2010 to October 4, 2010 is
10 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

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12 IT IS SO ORDERED.

13 DATED: 8/17/10
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15 THE HONORABLE RONALD M. WHYTE
16 United States District Court Judge
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